

**Practitioner's Docket No. MPI00-133M****REMARKS**

Claims 53, 55, 56, 57, and 60 have been amended and new claims 61-72 have been added. No new matter has been added by virtue of the amendments. Support for the amendments lies in the original claims as filed as well as throughout the specification as filed. New claims 61-72 are claims which depend from and further limit claim 53.

The specification was objected to for description of SEQ ID NO:3 as the coding region of SEQ ID NO:1, however SEQ ID NO:3 is an amino acid sequence. The specification has been corrected throughout to remove incorrect reference to SEQ ID NO:3 as the coding sequence, and replace proper reference to the nucleotides 7-4545 of SEQ ID NO:1 as the coding sequence. Withdrawal of the objection is thus requested.

Claims 53-60 were rejected under 35 USC §112, 2<sup>nd</sup> paragraph as being indefinite for recitation of "the nucleotide sequence of SEQ ID NO:3." As discussed above, the specification and claims have been amended to correct inadvertent mis-reference to SEQ ID NO:3 and include proper reference to the coding sequence of SEQ ID NO:1. Reconsideration and withdrawal of the rejection is requested.

Claims 53, 56, and 57 were rejected under 35 USC §112, 2<sup>nd</sup> paragraph as being indefinite for recitation of "a sequence, an amino acid sequence." Claims 53, 56, and 57 have been amended to remove duplicate recitation. Reconsideration and withdrawal of the rejection is requested.

Claim 60 was rejected under 35 USC §112, 2<sup>nd</sup> paragraph as being indefinite for recitation of "a MEKK1 polypeptide selected from the group consisting of a.[] and b.[]" wherein a and b are method steps. Applicants have amended Claim 60 to clarify the claim. It is believed the present amendments render the rejection moot. Reconsideration and withdrawal of the rejection is thus requested.

Claim 53-59 and 60 were rejected under 35 USC §102(b) as being anticipated by Xia et al. for recitation of a sequence having percent homology to SEQ ID NO:1, SEQ ID NO:3 or SEQ ID NO:2. The Examiner states the sequences can be compared using different methodologies. Further, the Examiner objects to the use of "about."

Applicants submit the claims no longer refer to SEQ ID NO:3, as discussed above. Thus, the percent homology of the claimed subject matter to the Xia sequence is 87%, as acknowledged by the Examiner. Applicants have amended the claims to clarify the percent identity relates to the identity over the entire sequence. Further, Applicants have amended the claims to remove the term "about."

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Applicants further submit, the comparison of the sequences can be done in various ways, even as acknowledged by the Examiner. One of skill in the art would clearly recognize various ways to generate percent identity scores for SEQ ID NO:1 and SEQ ID NO:2. However, Applicants submit the present amendments to clarify the percent homology is *over the entire sequence* distinguishes the claimed subject matter over the disclosure of Xia et al. and as such, render the rejection moot. Reconsideration and withdrawal of the rejection is thus requested.

This paper is being filed timely as a request for a one month extension of time is filed concurrently herewith. No additional extensions of time are required. In the event any additional extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

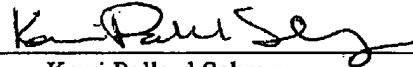
It is believed the present application is in a state of condition for allowance, which action is requested. Entry of the remarks made herein is respectfully requested.

11 December 2003

Respectfully submitted,

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